

REMARKS

The Office Action addresses claims 1-26. Claim 10 stands rejected under 35 USC §112. Claims 1-7, 10 and 12-26 stand rejected under 35 USC §103. By the foregoing amendment, claims 18, 21 and 24 are canceled and new claims 27-29 are presented for consideration. Claim 1 is amended to include the subject matter of original claims 18, 21 and 24. Claims 27-29 contain the subject matter of original claims 8, 9 and 11, which have been indicated as being allowable if rewritten in independent form. Claims 1-17, 19-20, 22-23 and 25-29 remain in the application. In light of the foregoing amendment and the following remarks, withdrawal of the rejections and reconsideration of the claims are courteously solicited.

The specification is objected to because the phrase "stop" is associated with multiple reference numbers in lines 15-21 of page 6. By the foregoing amendment, this informality has been corrected to associate "stop" only with reference number 14.

Several of the claims are objected to because they contain typographical errors as outlined in the Office Action. By the foregoing amendment, these issues have been addressed.

Claim 10 stands rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, claim 10 contains the language "its upper surface". Claim 10 has been amended to clarify this language, and therefore withdrawal of the rejection and reconsideration of the claim are respectfully requested.

Claims 1-6, 12, 14-20, 23, 25 and 26 stand rejected under 35 USC §103(a) as being obvious over Schreyer et al. U.S. Patent No. 7 175 153 in view of Schule U.S. Patent No. 5 975 483. This rejection is respectfully traversed.

In order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some

suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

Schreyer et al. '153 discloses a positioning aid for a magnetic device used for positioning a shuttering means. The magnetic device is movable between a position of use in which said magnetic device is in contact with a ferromagnetic shuttering support and a position of non-use, in which said magnetic device is spaced apart from the shuttering support. The magnetic device is moved between the position of use and the position of non-use by a lift-off means pivotally attached to the magnetic device and including a lever for exerting a rotating and camming force between the ferromagnetic shuttering support and the magnetic device. Schreyer et al. '153 does not disclose that the holding device includes an opening through which the lever protrudes inwardly, nor does Schreyer et al. '153 disclose that in the detached position, the magnet protrudes from the opening of the shuttering device at least by sections, as required by amended claim 1. Schreyer et al. '153 further fails to disclose a swivel pin, the magnet being mounted so as to be rotatable about said swivel pin, as required by claim 1.

Schule '483 discloses a clamp with clamping jaws and a carrier connecting them, for connecting form panels disposed in co-planar side by side relation. Schule '483 does not disclose a magnet rotatably mounted about a swivel pin, nor does it disclose a lever protruding inwardly, the lever being operable from outside the device. Schule '483 further does

not disclose a magnet protruding from the opening of the shuttering device at least by sections, as required by claim 1. There is no teaching in either Schreyer et al. '153 or Schule '483 of these required claim elements. Further, it would not have been within the skill or knowledge of one of ordinary skill in the art to so modify these references. Therefore, claim 1 should be considered patentable over either Schreyer et al. '453 or Schule '483, or the combination thereof. Claims 2-17, 19-20, 22-23 and 25-26 depend from claim 1 and should be considered patentable therewith. Therefore, withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Claims 7, 10, 13, 21, 22 and 24 stand rejected under 35 USC §103(a) as being unpatentable over Schreyer et al. '153 in view of Schule '483, and further in view of Vappula U.S. Patent No. 7 021 601. This rejection is respectfully traversed.

Vappula '601 discloses a dismountable casting mold side wall system having a side wall attachable dismountably to the casting mold and a magnet adapted to clamp onto a casting bed so as to attach said side wall thereto, in which system the release/clamp operations of the magnet are adapted to take place in the interior space remaining between the exterior sides of said side wall. Vappula '601 does not disclose that, in the detach position, a magnet protrudes from the opening of the shuttering device at least by sections, as required by amended claim 1. Specifically, referring to Figure 2c of Vappula '601, the magnet in the detached position is fully contained within the housing of the device. In contrast, referring to Figure 2 of this application, a portion of the magnet, specifically engagement section 16, extends through the opening 20 of the shuttering device 2 so as to be observable by an operator. Vappula '601 does not disclose this feature. Therefore, the prior art references, including Vappula '601, do not disclose each and every element of amended claim 1. Claim 1 should therefore be considered

patentable over the prior art references, either individually or in combination. Claims 2-17, 19-21, 22-23 and 25-26, which depend from claim 1, should be considered patentable therewith. Accordingly, withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Applicant acknowledges Examiners indication of allowable subject matter in claims 8, 9 and 11 with thanks. New claims 27-29 present the subject matter of original claims 8, 9 and 11 in independent form. Favorable consideration is respectfully requested.

In light of the foregoing amendment and remarks, the claims remaining in the application are believed to be in condition for allowance and early notice of allowability is courteously solicited. If necessary to further prosecution of the application, the Examiner is invited to contact the Applicant's representatives listed below.

Respectfully submitted,


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